



General Assembly

January Session, 2007

***Raised Bill No. 1036***

LCO No. 3385

\*03385\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING NOTIFICATION TO INJURED EMPLOYEES OF  
THE DISCONTINUATION OR REDUCTION OF WORKERS'  
COMPENSATION BENEFITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-296 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 If an employer and an injured employee, or in case of fatal injury  
4 [his] the employee's legal representative or dependent, at a date not  
5 earlier than the expiration of the waiting period, reach an agreement in  
6 regard to compensation, such agreement shall be submitted in writing  
7 to the commissioner by the employer with a statement of the time,  
8 place and nature of the injury upon which it is based; and, if such  
9 commissioner finds such agreement to conform to the provisions of  
10 this chapter in every regard, [he] the commissioner shall so approve it.  
11 A copy of the agreement, with a statement of the commissioner's  
12 approval, [thereof,] shall be delivered to each of the parties and  
13 thereafter it shall be as binding upon both parties as an award by the  
14 commissioner. The commissioner's statement of approval shall also  
15 inform the employee or [his] the employee's dependent, as the case

16 may be, of any rights the individual may have to an annual cost-of-  
17 living adjustment or to participate in a rehabilitation program under  
18 the provisions of this chapter. [He] The commissioner shall retain the  
19 original agreement [, with his approval thereof, in his office] and  
20 statement of approval and, if an application is made to the superior  
21 court for an execution, [he] the commissioner shall, upon the request of  
22 said court, file in the court a certified copy of the agreement and [his]  
23 statement of approval. [thereof.] Before discontinuing or reducing  
24 payment on account of total or partial incapacity under any such  
25 agreement, the employer, if it is claimed by or on behalf of the injured  
26 [person that his] employee that such employee's incapacity still  
27 continues, shall notify the commissioner and the employee, by certified  
28 mail, of the proposed discontinuance or reduction of such payments. [,  
29 with the date of such proposed discontinuance or reduction and the  
30 reason therefor, and, such] Such notice shall specify the reason for the  
31 proposed discontinuance or reduction and the date such proposed  
32 discontinuance or reduction shall commence. No discontinuance or  
33 reduction shall [not] become effective unless specifically approved in  
34 writing by the commissioner. The employee may request a hearing on  
35 any such proposed discontinuance or reduction within ten days of  
36 receipt of such notice. Any such request for a hearing shall be given  
37 priority over requests for hearings on other matters. The commissioner  
38 shall not approve any such discontinuance or reduction prior to the  
39 expiration of the period for requesting a hearing or the completion of  
40 such hearing, whichever is later. In any case where the commissioner  
41 finds that an employer has discontinued or reduced any payments  
42 made in accordance with this section without the approval of the  
43 commissioner, such employer shall be required to pay to the employee  
44 the total amount of all payments so discontinued or the total amount  
45 by which such payments were reduced, as the case may be, and shall  
46 be required to pay interest to the employee, at a rate of one and one-  
47 quarter per cent per month or portion [thereof] of a month, on any  
48 payments so discontinued or on the total amount by which such  
49 payments were reduced, as the case may be, plus reasonable attorney's

50 fees incurred by the employee in relation to such discontinuance or  
51 reduction. [Such] The employer's notice of intention to discontinue or  
52 reduce payments shall include (1) the following statement,  
53 conspicuously placed and printed in no smaller than fourteen-point  
54 bold type: "Important Information For The Employee", and (2) the  
55 certification of the attending physician that the employee is able to  
56 return to work and shall otherwise be in substantially the following  
57 form:

58 WORKERS' COMPENSATION COMMISSION

59 OF CONNECTICUT

60 NOTICE TO COMPENSATION COMMISSIONER AND

61 EMPLOYEE OF INTENTION TO DISCONTINUE OR REDUCE

62 PAYMENTS.

63 To the Compensation Commissioner for the .... Congressional  
64 District and to ....., employee:

65 You are hereby notified that the undersigned employer intends on  
66 the .... day of ....., 20.., to discontinue or reduce the payments of  
67 compensation to the above-named employee for the following reason,  
68 to wit:

T1 ....  
T2 by .... (Indicate Official Position), Insurer or Agent

T3 I HEREBY CERTIFY that the above named employee is able to return to  
T4 usual  
T5 light work on the .... day of ....., 20 ..  
T6 selected

T7 will

T8 There will not be permanent loss or loss of use of .... (member)

T9

.... Attending [Surgeon] Physician

69 The following blanks are to be filled out in order that the case may be  
70 properly located in the records of the Commissioner:

71 Date of Injury ....

72 Date of Award or approval of agreement ....

73 Date when mailed by respondents .....

74 The employee may request a hearing by the compensation  
75 commissioner on the discontinuance or reduction set forth in this  
76 notice [within ten days of] not later than twenty days after receipt of  
77 this notice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	31-296

***Statement of Purpose:***

To provide clear notice to a workers' compensation claimant of the intent to discontinue or reduce workers' compensation benefits to require certification by the attending physician of a worker's ability to return to work and to increase the period of time the worker has to request a hearing on such discontinuance or reduction.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*